

# SENATE BILL 602

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2lr3038  
CF HB 366

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By: **Senator Dyson**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2012

Returned to second reading: March 17, 2012

Senate action: Adopted with floor amendments

Read second time: March 18, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Building Performance Standards – ~~Fire and Life Safety~~**  
3 **Automatic Fire Sprinkler Systems**

4 FOR the purpose of prohibiting a local jurisdiction, with a certain exception  
5 exceptions, from adopting local amendments to the Maryland Building  
6 Performance Standards if the local amendments weaken ~~fire and life safety~~  
7 certain automatic fire sprinkler systems provisions contained in the Standards;  
8 providing for the effective date of certain provisions of this Act; providing for the  
9 termination of certain provisions of this Act; providing for the application of this  
10 Act; and generally relating to the authority of local jurisdictions to amend the  
11 Maryland Building Performance Standards.

12 BY repealing and reenacting, with amendments,  
13 Article – Public Safety  
14 Section 12–504  
15 Annotated Code of Maryland  
16 (2011 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article – Public Safety  
19 Section 12–504  
20 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2011 Replacement Volume)

2 (As enacted by Chapter 369 of the Acts of the General Assembly of 2011)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Public Safety**

6 12–504.

7 (a) **(1)** A local jurisdiction may adopt local amendments to the Standards  
8 if the local amendments do not:

9 ~~(1)~~ **(I)** prohibit the minimum implementation and enforcement  
10 activities set forth in § 12–505 of this subtitle; [or]

11 ~~(2)~~ **(II)** weaken energy conservation and efficiency provisions  
12 contained in the Standards; **OR**

13 ~~(3)~~ **(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
14 **SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER**  
15 **SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY**  
16 **DWELLINGS CONTAINED IN THE STANDARDS.**

17 **(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY**  
18 **TO:**

19 **(I) STANDARDS GOVERNING ISSUANCE OF A BUILDING**  
20 **PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY; OR**

21 **(II) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING**  
22 **ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING**  
23 **CONSTRUCTED ON:**

24 **1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC**  
25 **WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR**

26 **2. A LOT SERVED BY AN EXISTING WATER SERVICE**  
27 **LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:**

28 **A. IS LESS THAN A NOMINAL 1-INCH SIZE;**

29 **B. IS APPROVED AND OWNED BY THE PUBLIC OR**  
30 **PRIVATE WATER SYSTEM THAT OWNS THE MAINS;**

1 **C. WAS INSTALLED BEFORE MARCH 1, 2011; AND**

2 **D. IS FULLY OPERATIONAL FROM THE PUBLIC OR**  
 3 **PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY**  
 4 **LINE.**

5 (b) If a local jurisdiction adopts a local amendment to the Standards, the  
 6 Standards as amended by the local jurisdiction apply in the local jurisdiction.

7 (c) If a local amendment conflicts with the Standards, the local amendment  
 8 prevails in the local jurisdiction.

9 (d) A local jurisdiction that adopts a local amendment to the Standards shall  
 10 ensure that the local amendment is adopted in accordance with applicable local law.

11 (e) To keep the database established under this subtitle current, a local  
 12 jurisdiction that adopts a local amendment to the Standards shall provide a copy of  
 13 the local amendment to the Department:

14 (1) at least 15 days before the effective date of the amendment; or

15 (2) within 5 days after the adoption of an emergency local amendment.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 17 read as follows:

18 **Article – Public Safety**

19 12–504.

20 (a) (1) A local jurisdiction may adopt local amendments to the Standards  
 21 if the local amendments do not:

22 (i) prohibit the minimum implementation and enforcement  
 23 activities set forth in § 12–505 of this subtitle; [or]

24 (ii) weaken energy conservation and efficiency provisions  
 25 contained in the Standards; **OR**

26 **(iii) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
 27 **SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER**  
 28 **SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY**  
 29 **DWELLINGS CONTAINED IN THE STANDARDS.**

1 (2) (i) Regardless of whether the International Green Construction  
2 Code is adopted by the Department under § 12–503(d) of this subtitle, a local  
3 jurisdiction may adopt the International Green Construction Code.

4 (ii) A local jurisdiction may make local amendments to the  
5 International Green Construction Code.

6 **(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY**  
7 **TO:**

8 **(I) STANDARDS GOVERNING ISSUANCE OF A BUILDING**  
9 **PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY;OR**

10 **(II) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING**  
11 **ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING**  
12 **CONSTRUCTED ON:**

13 **1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC**  
14 **WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR**

15 **2. A LOT SERVED BY AN EXISTING WATER SERVICE**  
16 **LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:**

17 **A. IS LESS THAN A NOMINAL 1-INCH SIZE;**

18 **B. IS APPROVED AND OWNED BY THE PUBLIC OR**  
19 **PRIVATE WATER SYSTEM THAT OWNS THE MAINS;**

20 **C. WAS INSTALLED BEFORE MARCH 1, 2011; AND**

21 **D. IS FULLY OPERATIONAL FROM THE PUBLIC OR**  
22 **PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY**  
23 **LINE.**

24 (b) If a local jurisdiction adopts a local amendment to the Standards, the  
25 Standards as amended by the local jurisdiction apply in the local jurisdiction.

26 (c) If a local amendment conflicts with the Standards, the local amendment  
27 prevails in the local jurisdiction.

28 (d) A local jurisdiction that adopts a local amendment to the Standards shall  
29 ensure that the local amendment is adopted in accordance with applicable local law.

1 (e) To keep the database established under this subtitle current, a local  
2 jurisdiction that adopts a local amendment to the Standards shall provide a copy of  
3 the local amendment to the Department:

4 (1) at least 15 days before the effective date of the amendment; or

5 (2) within 5 days after the adoption of an emergency local amendment.

6 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
7 take effect on the taking effect of Chapter 369 of the Acts of the General Assembly of  
8 2011. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and  
9 of no further force and effect.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply only prospectively and may not be applied or interpreted to have  
12 any effect on or application to any building permit for which an application is  
13 submitted before the effective date of this Act.

14 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions  
15 of Section 3 of this Act, this Act shall take effect October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.